



LIVONIA TOWNSHIP REGULAR BOARD MEETING MINUTES
HELD AT THE LIVONIA TOWN HALL
JULY 25, 2022

Supervisors present: Hass, Hiller, Kuker, Maloney and Pool.

Staff present: Clerk/Treasurer Hammre, Deputy Clerk/Treasurer Fiedler, Maintenance Coordinator Kelly,
Others Present: Township Engineer Wes Davis

Chairman Hass called the meeting to order at 7:00 pm.

1.1 Pledge of Allegiance: the assembly recited the Pledge of Allegiance.

1.2 Approve Regular Meeting Agenda: Kuker/Maloney unanimous to approve the agenda as presented.

1.3 Approve Consent Agenda: Hiller/Kuker unanimous to approve Consent Agenda as follows: **Item A)** June 27, 2022 Regular Meeting Minutes; **Item B)** July 11, 2022 Workshop Meeting Minutes.

1.4 Fire Report: Chief Maloney presented the June Calls for Service: 2 medical assist; 2 gas leak; 3 motor vehicle personal injury accident; 3 fire alarm; 2 person in distress (elevator); 3 arcing/down power line; 1 grass fire; 1 vehicle fire. Chief Maloney also stated they are preparing for the Dance/Open House which will be held on September 10.

1.5 Sheriff's Report: Sgt. Wilson provided the Sheriff's report: there were 334 calls for service in June in Livonia Township including 5 motor vehicle accident; 16 medical; 107 traffic stop; 57 security check; and 19 extra patrol requests. All other calls for service were miscellaneous calls. Sgt. Wilson also explained that there are more traffic patrols in Minnesota in an attempt to get drivers to slow down after excessive speed became normal during the Covid 19 Pandemic. Hass asked about monitoring traffic lights for people going through red lights. Hiller asked about the law concerning motorcycles when the turn light is not triggered by the motorcycle.

1.6 Planning Commission Report: Spencer provided the report to be read in her absence. The Sherburne County Planning Advisory Commission met July 21, 2022 to consider the following applications. The PAC recommended for approve the following items at the next scheduled meeting of the Sherburne County Board of Commissioners: Request for an Interim Use Permit for a Home Business in an Accessory Building - Automotive Work – Haven Township; Request for an Interim Use Permit for a Business Selling Vehicles, Boats and Farm Equipment – Livonia Township; Request a Conditional Use Permit for a Personal Storage Structure - Palmer Township.

1.7 Engineering Updates: Engineer Davis reported that the 2022 Overlay Project with Park Construction is nearly complete. Hydroseeding the shoulders will be done this week. He also commented that Park Construction has been very good with follow through on the last items to be completed. Davis then reported that he inspected the drainage concern in Whispering Ridge at PID #30-533-0880. He explained that the turf is higher than the road edge along the property and recommended that the turf should be cut down to allow water passage. Discussion followed about the Drainage and Utility Easement between the houses identified in the drainage plan. Davis explained that this is the drainage route for the area allowing the water to go into the wetland that is located on and behind the Sullivan house and the Hawks house.

1.8 Park Committee – Kuker: no report

2.1 Regenscheid Driveway: the driveway located at 10690 264th Ave NW, failed inspection in 2021 because it was too wide to meet specifications and had no culvert extensions or aprons. The issue was on the July 26, 2021 Livonia Board Meeting Agenda, no action was taken at that time. Hass/Kuker unanimous to direct Hammre to send a letter to the homeowner requiring them to ask the Board at a meeting for an exception to a wider driveway and informing them that the culvert must be compliant with driveway standards including extensions and aprons.



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2.2 Carlson Request for Public Hearing: Mark and Michelle Carlson 27265 Fremont Drive, requested a Public Hearing for the Vacation of the excess right-of-way on Fremont Drive along their property. Request for Public Hearing for the Vacation of the excess Fremont Drive right-of-way at 27265 on August 22 at 6:30 pm at the Livonia Town Hall. Approved unanimously by roll call vote.

2.3 Carlson Variance: Mark and Michelle Carlson, 27265 Fremont Drive, Zimmerman, PID #30-004-4220, present to request two Variances. Variance one: Requesting a 13' Variance in setback from the Centerline of Fremont Drive NW for an addition on existing House. Required Setback from the Centerline is 100'. Discussion about the pending ROW Vacation from old HWY 169 excess ROW, reason for the variance, septic system, the small lots in the development and the setback from lakes having changed after the house was built. Pool/Kuker unanimous to recommend approval for a 13' Variance in setback from the Centerline of Fremont Drive NW for an addition on existing House. Required Setback from the Centerline is 100'. The Findings of Fact considerations were asked and answered as follows:

1. Granting the Variance will not be in conflict with the Comprehensive Plan: adding on to the house would not be in conflict with the Comprehensive Plan.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control: yes, this property is a small lot with the house built close to the lake, built in the 1950's which was before the current setback requirements and the OHWL has shifted over the years.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance: the other property owners have faced the same challenge with the small lot size, they have obtained a variance for similar projects.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owners under the current Ordinance or State Law: The house was built in the 1950's, before current setback rules by a previous owner.
5. The variance requested is the minimum variance which would alleviate the practical difficulty: yes, the setback is the same as the existing house.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties: the house will be similar to other houses in the area, and it will not impede waterflow or visual enjoyment.
7. Adequate sewage treatment systems can be provided if the variance is granted: the septic has been inspected and is in compliance.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width: there will be no impact, the driveway will remain the same.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site: NA
10. The variance will not increase loss of sunlight, views, or privacy of the neighboring properties: the property will be of a similar height of neighboring properties.



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11. Economic considerations or circumstances shall not be considered so long as the reasonable use of the property exists under the terms of the Ordinance: Not a factor.

Variance two: Requesting a 47' Variance in setback from the OHWL of Lake Fremont for an addition on existing house. Required setback from a general development lake is 75'. Discussion about Lake Fremont, shoreline erosion, small lot size and changes in lake setbacks after the house was built. Hiller/Maloney unanimous to recommend approval for a 47' Variance in setback from the OHWL of Lake Fremont for an addition on existing house. Required setback from a general development lake is 75'. The Findings of Fact considerations were asked and answered as follows:

1. Granting the Variance will not be in conflict with the Comprehensive Plan: adding on to the house would not be in conflict with the Comprehensive Plan, the addition improves the property and complies with orderly growth.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control: yes, this property is a small lot with the house built close to the lake, built in the 1950's which was before the current setback requirements and the OHWL has shifted over the years.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance: the other property owners have faced the same challenge with the small lot size, they have obtained a variance for similar projects.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owners under the current Ordinance or State Law: The house was built in the 1950's, before current setback and development rules.
5. The variance requested is the minimum variance which would alleviate the practical difficulty: yes, the setback is the same or less than the existing house.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties: the house will be similar to other houses in the area.
7. Adequate sewage treatment systems can be provided if the variance is granted: the septic has been inspected and is in compliance.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width: there will be no impact, the driveway will remain the same, no additional bedrooms will be added.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site: the changes are typical of other houses in the area.
10. The variance will not increase loss of sunlight, views, or privacy of the neighboring properties: the property will be of a similar height of neighboring properties.
11. Economic considerations or circumstances shall not be considered so long as the reasonable use of the property exists under the terms of the Ordinance: Not a factor.

2.4 WH Cates Pondsides Estates Update: Hammre provided the update - there have been some improvements made in the right of way with soil stabilization. The neighboring property owners at 24416 101st Ave NW, the source of the runoff soils entering the retention pond, appear to be in the process of preparing the yard for seeding or sodding. This property was sent a Notice of Violation from Sherburne County Zoning to bring the



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property to meet soil stabilization requirements as per Ordinance Section 17 General Development. Engineer Davis will look at the retention ponds to determine if they need to be cleaned out.

2.5 Hicks Variance Request: Leighton Hicks, 10145 255th Ave NW Zimmerman, PID #30-404-0370, was present to ask for a recommendation on his request for a 33' variance in setback from the right of way of 255th Ave NW for a detached garage. The required setback from the right of way is 67'. Mr. Hicks explained that there is a ravine on the west side of his property which would make it difficult to build a detached garage in that location. It was also pointed out that if he did remove trees and build on the slope of the ravine erosion would likely be an ongoing problem. Hicks explained that he would like to build the detached garage with the front of the garage about 10' back from the front of the house. The house is within the 67' setback from the road, the house was built in 1976 and he purchased it in 2010. He would be using the same driveway that is there now. There is no garage on the property at this time. The new detached garage will be about 10' away from the house and will not be in the side property line setback area. Hass/Hiller unanimous to recommend approval of the request for a 33' variance in setback from the right of way of 255th Ave NW for a detached garage. The required setback from the right of way is 67'. The Findings of Fact considerations were asked and answered as follows:

1. Granting the Variance will not be in conflict with the Comprehensive Plan: the request for a garage is within the expectations of the Comprehensive Plan, a garage is a reasonable structure to have on a single-family home property, it improves the property.
2. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of the relevant Ordinance have had no control: the ravine with steep slopes is an extraordinary feature of the property, limiting the area a garage could be built.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance: other property owners have faced the same challenge with the small lot size and have obtained a variance for similar projects. A garage is a reasonable request.
4. The exceptional or extraordinary circumstances do not result from the actions of the current or previous owners under the current Ordinance or State Law: the house was built in 1976, Mr. Hicks purchased it in 2010. The house was built in what is now within the setback.
5. The variance requested is the minimum variance which would alleviate the practical difficulty: the proposed location is further from the road than the house is and does not encroach in the side lot line setback.
6. The variance, if granted, will not alter the essential character of the locality and there would be no significant effect on the surrounding properties: the garage will be similar to others in the area, and it will not impede sightlines for any of the neighboring properties.
7. Adequate sewage treatment systems can be provided if the variance is granted: the septic has been inspected and is in compliance and there is adequate room for a replacement septic if needed.
8. Granting the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because the driveway is inadequate length or width: there will be no impact, the driveway will remain the same.
9. If a shoreland variance, it will not be a greater height or lesser shoreline setback than what is typical for the area immediately surrounding the development site: NA



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10. The variance will not increase loss of sunlight, views or privacy of the neighboring properties: the garage will be of a similar height of neighboring properties and the Hicks lot is heavily wooded.

11. Economic considerations or circumstances shall not be considered so long as the reasonable use of the property exists under the terms of the Ordinance: Not a factor.

2.6 Recording Road Activities: Hammre presented a log sheet that Maintenance can use to record daily road activities. A log sheet is recommended by legal counsel to have a record of activities for any future conflict about road maintenance and preserving the right of residents to use public roads.

3.0 Open Forum: Tom Butz, 24885 100th St. NW, Zimmerman, present for Open Forum. Butz said he wanted to restate his opposition to the potential annexation/merger with the City of Zimmerman. He also said he appreciated the updates. Hiller gave his update at this point while Butz was addressing the Board in Open Forum. Hiller said that he and Zimmerman Mayor Stay have taken the process as far as they can, it is now in the hands of the City of Zimmerman Attorney. The Zimmerman Attorney is very busy, dealing with staffing shortages and additional city representation, which has delayed the process. When the Phase One document is ready, the Livonia Board will review and invite public comment.

4.1 Clerk/Treasurer Report: Items of interest during the past month include: the Town Hall flooring is not finished, waiting for a determination of the cause of adherence failure before it is repaired and completed. The installer is working hard to find the reason and a solution; the SCORE Grant was received for Clean Up Day and the cost to Livonia Township was detailed and presented. Final cost to Livonia Township was \$993.35. Hammre directed to ask the City of Zimmerman to pay for half of that cost as Clean Up Day serves many City residents.

4.2 Approve payment of claims: Kuker/Pool unanimous to approve payment of claims and payroll totaling \$77,760.63 as submitted from Bremer Bank, to cover check number 20861 through 20891, and Electronic Fund Transfers (EFT) #111-116 (July) Federal, State, PERA withholding tax and Debit Card payments. No quarterly SUTA due to Gov Walz funding SUTA to eliminate financial burden on employers.

4.3 Supervisor Reports: Hiller – reported on the Fire Hall gas line issue which involved minor leaks at the meter. The problem was found and repaired in time for the next scheduled event; Maloney – no report; Pool – no report; Kuker – no report; Hass – no report. Asked if the property on Fremont Drive at 27145 Fremont Drive has a permit to have a business there. Hammre directed to contact Sherburne County to find out.

4.4 Road Report: Maintenance Coordinator Kelly reported that all roadside mowing is done, trees that have come down in high winds have been cut and removed from roadways and park pathways, and all of the parks look good and have been maintained. Hass asked Kelly to backtrack the last month's activities on the Road Maintenance Log and to also keep track of the hours used on each piece of equipment. Discussion about phones in the maintenance/fire building. Kuker suggested looking into VOIP. Maloney asked if the township has any funding left for 2022 road projects. Hammre to send the Board that information.

5.1 Holidays and Days Off Comparison: as requested during the July Board Meeting, Hammre supplied a chart of Federal Holidays that public entities are required by law to follow. Three of the holidays are not observed by Livonia Township. Hammre explained that observing these Federal and State holidays is required by Minnesota Statute and if the Township decides to observe them, it will not affect the budget in any way. Hass/Hiller unanimous to follow the Sherburne County schedule of Federal Holidays and days off.

5.2 Classification and Compensation Study: Quote for a Classification and Compensation Study provided as requested by Hammre and agreed to by the Office Committee consisting of Hass and Hiller. Hass stated that he does not think we need a study and that it is unwarranted at this time. Kuker stated that a study in the spring



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would be a possibility. Hiller stated that keeping good people is getting more expensive. He would like to see what a new maintenance person will require for wages. Until we find a new maintenance person the wage requirement is unknown. Discussion about the Road Committee needing to develop a job description for the new maintenance position. Hammre directed to put the item on the October Meeting Agenda.

5.3 Resolution Broadband Agreement: unanimous by roll call to approve Resolution 22-15 Resolution Establishing a Broadband Access Grant Program.

5.4 Broadband Agreement: Sherburne County is updating their Agreement, ours will be on hold until it is determined that we don't need to make any adjustments.

Hiller/Pool unanimous to adjourn the meeting at 9:10 pm.

Approved this 22nd day of August 2022.

Chairman or Vice Chairman

Clerk/Treasurer or Deputy Clerk/Treasurer